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7 ASHLEY M GJOVIK,  
8 Plaintiff,  
9 v.  
10 APPLE INC.,  
11 Defendant.

Case No. [23-cv-04597-EMC](#)

**ORDER GRANTING DEFENDANT'S  
MOTION TO STAY**

Docket No. 247

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14 In July 2025, Ms. Gjovik initiated Chapter 7 bankruptcy proceedings in the District of  
15 Massachusetts. *See* Docket No. 257 (notice). Apple now moves for a stay of all proceedings in  
16 this case, either (1) "until such time as the Trustee decides how to proceed [with this suit] as the  
17 real party in interest with the exclusive authority to prosecute this action" or (2) should Ms. Gjovik  
18 "challenge the Trustee's statutory authority, . . . until such time as the bankruptcy court has made a  
19 final determination of that issue." Mot. at 9. Ms. Gjovik opposes the request for a stay, arguing,  
20 *inter alia*, that Apple is simply trying to avoid litigation in this case, including but not limited to  
21 discovery and summary judgment. Having considered the parties' briefs and accompanying  
22 submissions,<sup>1</sup> the Court finds this matter suitable for resolution without oral argument. The Court  
23 hereby **GRANTS** the motion to stay.

24 Contrary to what Plaintiff suggests, Apple is not arguing here that there is an automatic  
25 stay because of the bankruptcy proceedings. Rather, Apple seeks a *Landis* stay. *See Lockyer v.*

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27 <sup>1</sup> The Court has considered the entirety of Ms. Gjovik's opposition, although it exceeds 25 pages.  
28 Ms. Gjovik is forewarned that, although the Court is considering the entirety of the brief, that does  
not mean that it will do so in the future should Ms. Gjovik file excess pages without Court  
permission.

1        *Mirant Corp.*, 398 F.3d 1098, 1109 (9th Cir. 2005) (noting that “[a] district court has discretionary  
2 power to stay proceedings in its own court under *Landis v. North American Co.*, 299 U.S. 248, 254  
3 (1936)). According to Apple, a *Landis* stay is warranted because, once Ms. Gjovik filed her  
4 Chapter 7 bankruptcy petition, the Trustee became the sole person with standing to decide whether  
5 to prosecute this suit. Apple did not move for relief earlier because, only recently, did the Trustee  
6 take action suggesting that he might not abandon Ms. Gjovik’s claims against Apple (*e.g.*, the  
7 Trustee asked the bankruptcy court for approval to employ legal counsel and, after the initial  
8 meeting of creditors, continued that meeting to October so that he could, *inter alia*, meet with Ms.  
9 Gjovik). *See, e.g.*, Reply at 1 (noting that Apple filed its motion to stay “just four days after the  
10 Section 314 Meeting of the Creditors which clarified the Trustee was not abandoning the  
11 litigation, as Plaintiff/Debtor told this Court she thought he would”).

12        Under *Landis*, a court considers the following factors in deciding whether to stay  
13 proceedings: “the possible damage which may result from the granting of a stay, the hardship or  
14 inequity which a party may suffer in being required to go forward, and the orderly course of  
15 justice measured in terms of the simplifying or complicating of issues, proof, and questions of law  
16 which could be expected to result from a stay.” *Lockyer*, 398 F.3d at 1110. In the instant case,  
17 these factors weigh in favor of a stay.

18        In particular, the orderly course of justice weighs in favor of a stay. Since Ms. Gjovik’s  
19 bankruptcy proceeding is a Chapter 7 proceeding, the Trustee must in the first instance decide how  
20 to proceed with the case at bar. *See In re DiSalvo*, 219 F.3d 1035, 1039 (9th Cir. 2000) (stating  
21 that, “[i]n [Chapter 7] liquidation proceedings, *only* the trustee has standing to prosecute or  
22 defend a claim belonging to the state [but] [t]he same cannot be said for trustees under the  
23 reorganization chapters [where] the debtor has express authority to sue and be sued”); *Slater v.*  
24 *U.S. Steel Corp.*, 871 F.3d 1174, 1180 (11th Cir. 2017) (noting that, “[b]ecause a Chapter 7 debtor  
25 forfeits his prepetition assets to the estate, only the Chapter 7 trustee, not the debtor, has standing  
26 to pursue a civil legal claim unless the trustee abandons the asset, which then returns the claim to  
27 the possession and control of the debtor”); *Olick v. Parker & Parsley Petroleum Co.*, 145 F.3d  
28 513, 515 (2d Cir. 1998) (“conclud[ing] that a Chapter 13 debtor, unlike a Chapter 7 debtor, has

1 standing to litigate causes of action that are not part of a case under title 11”); *Haskins v. FMHA*,  
2 No. 95-35004, 1996 U.S. App. LEXIS 16773, at \*3 (9th Cir. June 19, 1996) (in Chapter 7 case,  
3 stating that, “[u]pon filing a petition for bankruptcy, a debtor's legal or equitable interests in all  
4 property becomes property of the bankruptcy estate,” and “[a] trustee, as the representative of the  
5 bankruptcy estate, is ‘the proper party in interest, and the only party with standing’ to prosecute  
6 causes of action belonging to the estate”); *In re Lazo*, No. 90-56128, 1991 U.S. App. LEXIS  
7 30307, \*2-3 (9th Cir. Dec. 17, 1991) (in Chapter 7 case, stating that “[a]ll causes of action that the  
8 Lazos had as of June 13, 1983, whether filed or unfiled, became property of the Chapter 7 estate,”  
9 and “[t]hese claims could be prosecuted only by the trustee of the estate”); *Lennear v. Diamond*  
10 *Pet Food Processors of Cal., LLC*, 147 F. Supp. 3d 1037, 1044 (E.D. Cal. 2015) (stating that,  
11 “[u]nder Chapter 7 bankruptcy, once the petition is filed, all pre-petition causes of action become  
12 part of the estate[;] [a]s such, the bankruptcy trustee is the sole individual with standing to  
13 maintain the pre-petition claim”).

14 Ms. Gjovik has failed to cite any authority to counter the authority cited above or to  
15 otherwise support her position that there should be “continued debtor control over [this] litigation”  
16 *at this time*. Opp'n at 10. See, e.g., *In re Starky*, 522 B.R. 220, 227 (9th Cir. BAP 2014) (noting  
17 that, in a Chapter 7 proceeding, all of a debtor's assets become the property of the bankruptcy  
18 estate subject to the debtor's right to reclaim certain property as exempt; a trustee has the ability to  
19 file an objection to an exemption claim).

20 A stay of proceedings also would not impose undue hardship on Ms. Gjovik. Apple does  
21 not seek an indefinite stay, and the stay sought should not be unduly lengthy, especially as Ms.  
22 Gjovik has now filed an emergency motion with the bankruptcy court asking for relief with  
23 respect to actions taken by the Trustee. See Docket No. 251 (notice of motion filed in bankruptcy  
24 court).

25 The Court therefore grants Apple's motion to stay. Proceedings in this case are stayed  
26 pending a decision by the bankruptcy court as to the propriety of the Trustee's actions. If the  
27 bankruptcy court holds that the Trustee alone has standing to decide whether to prosecute this  
28 action (at least until he abandons it), the instant case shall continue to be stayed until the Trustee

1 makes that decision.

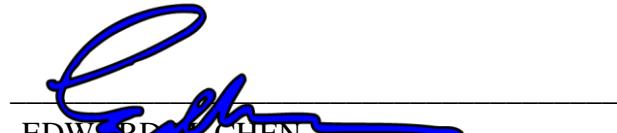
2 Finally, to the extent Ms. Gjovik has asked for leave to amend her complaint to add in  
3 RICO and/or other claims because of, *e.g.*, Apple's recent conduct related to the bankruptcy  
4 proceedings, the request is denied. Likewise, the Court denies Ms. Gjovik's request that the Court  
5 reconsider her motion to disqualify Apple's counsel.<sup>2</sup>

6 The parties shall file a joint status report – in particular, addressing what has taken place in  
7 the bankruptcy proceedings – within sixty (60) days.

8 This order disposes of Docket No. 247.

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10 **IT IS SO ORDERED.**

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12 Dated: September 4, 2025



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15 EDWARD M. CHEN  
16 United States District Judge

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28 <sup>2</sup> Ordinarily, the Court would not entertain such requests for relief as they were raised in an  
opposition brief. Moreover, as indicated above, it is – at the very least – questionable whether Ms.  
Gjovik has standing to make the requests for relief. However, in the interest of moving this case  
forward, the Court has considered Ms. Gjovik's requests and denies them on the merits.